

No. 44810

IN THE
SUPREME COURT OF DELAWARE
1952 TERM

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FILED

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HAROLD B. WILLEY, Clerk

FRANCIS B. GEBHART, et al.,

Appellants,

vs.

ETHEL LOUISE BELTON, an Infant, by her Guardian ad Litem, Ethel Belton, et al.,

Appellees.

No. 15

FRANCIS B. GEBHART, et al.,

Appellants,

vs.

SHIRLEY BARBARA BULAH, an Infant, by her Guardian ad Litem, Sarah Bulah, et al.,

Appellees.

No. 16

ETHEL LOUISE BELTON, an Infant, by her Guardian ad Litem, Ethel Belton, et al.,

Plaintiffs-Appellants,

vs.

FRANCIS B. GEBHART, et al.,

Defendants-Appellees.

No. 17

SHIRLEY BARBARA BULAH, an Infant, by her Guardian ad Litem, Sarah Bulah, et al.,

Plaintiffs-Appellants,

vs.

FRANCIS B. GEBHART, et al.,

Defendants-Appellees.

No. 18

APPENDIX OF APPELLEES (PLAINTIFFS BELOW)
AND PLAINTIFFS-APPELLANTS

On Appeal from the Court of Chancery, New Castle County

LOUIS L. REDDING

JACK GREENBERG

*Counsel for Appellees (Plaintiffs below)
and Plaintiffs-Appellants.*

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Jerome S. Bruner—For Plaintiffs—Direct.

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[285] JEROME S. BRUNER, called as a witness on behalf of the plaintiffs, being first duly sworn, testified as follows:

[286] *Direct examination by Mr. Greenberg.*

Q. Would you state your full name for the record, Dr. Bruner? A. Jerome S. Bruner.

Q. What is your profession, Dr. Bruner? A. I am Associate Professor of Social Psychology at Harvard and currently on leave as a member of the Institute for Advanced Study, Princeton, New Jersey.

Q. Would you tell us something of your educational background, Dr. Bruner? A. I went to high school in the State of Florida, did my undergraduate work at Duke University in North Carolina, and after that I went to Harvard, where I received my Ph.D. in psychology. 368

Q. Have you been the editor of any scientific publications? A. Yes, I am. I have been editor of the *Public Opinion Quarterly* and am on the editorial board of several journals now.

Q. Would you name some of them, Dr. Bruner? A. Well, the *Public Opinion Quarterly*, the *International Journal of Opinion Research*.

[287] Q. Are you a member of any scientific associations? A. I am a member of the American Psychological Association, the Society for the Psychological Study of Social Issues, American Association for the Advancement of Science. 369

Q. Have you written any articles or books in your field? A. Yes, I have. I have written a book in the field of public opinion called *Mandate from the People*, an analysis of American public opinion during the period prior to 1944. I have published articles in the field of public opinion since then. I have published three or four dozen papers in scientific journals, chapters in books, and the usual type of academic output.

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Jerome S. Bruner—For Plaintiffs—Direct.

Q. Have you done any other outside work in the field of psychology? A. Yes. I have been consultant to the Secretary of State on special problems in public opinion. I am currently a consultant to the Navy Department on human relations problems, on their panel dealing with human relations and morale. I am chairman of the Human Relations Panel of the National Research Council. During the war I was in the field of psychological warfare as consultant on General Eisenhower's staff, and so forth.

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Q. Dr. Bruner, assume that in the State of Delaware [288] there is a system of legally racially segregated schools, that a Negro child must attend a school for Negroes only, but that if there were no segregation he would attend a school not limited to Negroes only. Assuming further all other educational opportunities to be equal, does this enforced legal separation injure the Negro child? A. I believe that it does.

Q. Would you please explain the reason for your answer, Dr. Bruner? A. Well, the educational process, whether we intend it or not, brings about certain effects. One of the effects that it brings about is in the teaching of skills or techniques, and generally speaking in our schools we teach two types of techniques:

One, techniques having to do with the three R's, and other intellectual activities; and

Secondly, skills of interaction, social skills, how to get on with other people of different kinds.

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This is the first of the things that education does, to impart skills. Secondly, it also influences the maturing of the child. This is particularly important since we know that the period of schooling is the period of greatest plasticity and greatest change in the child.

[289] By maturity we mean two things. First, bringing this person's capacity to full flower, making as much of an individual of him as he is capable of being. Secondly, whether we intend it or not, the schools are perhaps one

of the major agencies for teaching a person a sense of responsibility in his community.

Insofar as we have segregation in our schools, whether the segregation—and I might emphasize this point—whether the segregation is of such a sort that the facilities are physically equal or not equal, it seems to me perfectly patent on the basis of studies that have been done that the fact of segregation as such damages the child's capacity to benefit from education.

I can spell that out in whatever way you like.

Q. Would you please do that? A. First of all, let's take the matter of the problem of social skills which I have talked about. The statements that I made about the effect of segregation are not statements which are believed to hold for everybody in a segregated school system; I am simply trying to make the point that these conditions that can result from segregation are frequently present in segregated schools, segregated school systems, but they are not invariable.

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[290] In the matter of social skills—and here let me talk from various sources of evidence—if the child grows up in a segregated school and has limited contact—now I am talking about the Negro child—with the majority community, the white community, the skills necessary to get on with those members of the majority group do not develop very dependably. The child finds it difficult to take his place in the broader community on such occasions when it is necessary for him to do so.

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* * * * *

[291] I would like to make this point particularly, that when the person does not gain social skills at an appropriate age it gets increasingly more difficult for him to pick these skills up later. If you teach the skill—this, of course, is such a banal point that it hardly needs making—if you teach the skill to a child at a fairly young age, he

is going to come to it much more easily than if you try to teach him at college.

Would you like me to comment on the maturational aspects of it?

377 Q. Yes, Doctor. A. I would like to make the point by what psychologists have called the law of primacy, that because of the experience the child gets in school is the first experience outside of the home, it generally becomes a very critical experience. The child comes to the primary school and sees there for the first time outside of the home not only segregation but legally enforced segregation. I would say that the effect of this as we have seen it in such clinical studies as the recent study that has been published by Kardiner and Ovesey is to indicate to the child that he is being rejected by the larger group within the society, the group which he has learned is the dominant one in the community.

[292] This is the first experience, and the effects of this are many, although I again emphasize the fact that they do not invariably follow in each particular case. One of the most striking effects here, if I may use a term that most psychologists like to use, is the effect of degradation of self-esteem, by which we mean that this hurts the ego, gives the feeling that you are not as good somehow as the next fellow and not a fully useful person.

The effects of this degradation of esteem are many. The first is the feeling of frustration.

378 There is a frustration of the efforts of the child to be like other members of the larger community, and the effects of frustration we know from the studies of Kardiner and Ovesey and also from some studies of John Dollard, and also from some of my own field studies. One of the effects of frustration is hostility.

Now, this type of hostility—let me say this about the problem of hostility—if this hostility is carried on long enough it does have a warping and damaging effect on the

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Jerome S. Bruner—For Plaintiffs—Direct.

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growing personality. The hostility can be turned against the white community, which is not a healthy thing and which divides the community, and it sickens the individual, which is a mental health problem. It can be turned against self. I have heard that one of the highest suicide rates is among the [293] Negroes in Washington where you have segregation, although equal facilities in the schools, the problem of the Negro who is given expectations that he can develop himself and take part in the community. When this expectation is thwarted you get the same hostility, and it may be turned inward and develops into suicide.

The second consequence of this kind of frustration, whether the majority group intends it or not, is that segregation is always perceived by the child as a rejection from the majority group. That is, you can do study after study and you find evidence of this. In some of Dr. Clark's studies of Negro children this type of thing has come up again, that segregation is perceived, even with equal facilities being present, as a kind of rejection.

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Now, I was going to say on the problem of frustration and its consequences apathy is a second response to frustration—giving up, not caring, saying, "Why should I bother? Why should I take a part?"

Now, this kind of apathy or lowered motivation, whatever you want to call it, you see in many spheres. In special studies we did during the war for the Office of War Information we found many Negroes in northern and bordering southern communities very frequently with this feeling of "Why should we take a part in this war? What is it to us? We [294] have been kicked around; the war effort is not necessarily our war effort." On the other hand, they did take an active part, but there was this feeling. I am not talking about the larger community as such, but the Negro individuals in the larger community, and the damaging effect of segregation on them.

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I think here we get into a direct problem. When you lower motivation, you lower the capacity for learning. There is a literature in the field of psychology which amounts to perhaps several hundred articles—I don't think I would be exaggerating if I said about those articles that they all bear out the conclusion that when you lower the motivation of an individual you lower its capacity to learn. The child who doesn't care, doesn't learn as well, doesn't set his sights as high. You get a feeling of a lowering of aspiration, and with this lowering of aspiration the child's capacities to reach his full I.Q. potentialities, if you will, just don't—

Q. Does that lowering of aspiration have any effect on choice of curriculum which a student may make? A. I believe it does.

Q. Would you please explain that? A. May I approach that one sideways?

Q. Well, any way you think you can best explain. A. We have some evidence from some of our studies made [295] during the war that had to do with utilization of manpower, that the Negro, although very frequently talented in certain respects and certain skills, wouldn't dare apply for jobs, even in the north, which he was qualified to do because he felt that the chances of getting them were so slender that in a sense he would rather do the work he was "fit" to do. I suspect, too, although I do not have direct evidence of this point, that the Negro child faced with the fact of segregation within the school, being told at a tender age that he is not going to be able to take his part in the community, is not likely to pick ambitious things to do. He is more likely to take courses in the manual arts, because it is the thing he feels he will be forced into.

There are two studies which indicate that to some extent the effect of segregation on the Negro child in this respect, cutting down aspirations, is very much the same kind of

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Jerome S. Bruner—For Plaintiffs—Direct.

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thing that occurs when you get prolonged social crises. For example, the studies done of unemployed children of the Clydeside in England, studies indicating that the families for a long time felt they were cut off from having social advancement, lowering the fantasy level and lessening the ambition.

Q. Dr. Bruner, in your opinion would the elimination of legally enforced segregation reduce these effects you have [296] described? A. Yes, my opinion is that it would definitely do this, reduce the serious effects.

Q. Dr. Bruner, assume that the State of Delaware has a system of racially segregated high schools, but that it has a non-racially segregated university. Assume further that it is the statutory duty of the Board of Trustees of the University of Delaware in co-operation with the State Board of Education "To conjointly adjust the courses of study of the high schools of the State, insofar as they are related to the terms of admission to the University of Delaware". Is it your opinion that a child who proceeds from racially segregated high school to non-racially segregated college receives an injury which he would not receive if his high school were not racially segregated? A. I believe so. I think that was the brunt of my testimony.

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[321] GEORGE A. KELLY, called as a witness on behalf of the plaintiffs, being first duly sworn, testified as follows:

Direct examination by Mr. Greenberg.

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Q. Please state your full name for the record, Dr. Kelly.
A. George A. Kelly.

Q. Where did you get your collegiate education, Dr. Kelly? A. A Bachelor degree, Bachelor of Arts degree, from Park College in Missouri. Master of Arts from the University of Kansas. Bachelor of Education from the